BILL NO. S-81-04-07

SPECIAL ORDINANCE NO. S-117-81

AN ORDINANCE authorizing payment for overtime worked by employees of the Humane Shelter of the City of Fort Wayne; authorizing the upgrading of the existing labor grade of the Basic Life Support position in the Emergency Medical Services Department of the City of Fort Wayne; authorizing the upgrading of the existing labor grade of the Advanced Life Support position in the Emergency Medical Services Department of the City of Fort Wayne and establishing a base pay for such position; and authorizing payments to certain employees of the City of Fort Wayne for past step increases

WHEREAS, the City of Fort Wayne has engaged in collective bargaining with the International Association of Machinists and Aerospace Workers, Lodge Number 2569 (formerly 2569, 2570, and 2571), said organization being the representative of certain employees of the City of Fort Wayne for purposes of wages and other terms and conditions of employment;

WHEREAS, such negotiations have included matters dealing with overtime pay for employees of the Humane Shelter, and have dealt with the upgrading of the present labor grades relative to the Basic Life Support and Advanced Life Support positions, in the Emergency Medical Services, and in the establishment of a base pay for the Advanced Life Support position;

WHEREAS, said negotiations have also resulted in a settlement of three pending lawsuits previously filed against the City of Fort Wayne, by certain individual employees of the City of Fort Wayne, these lawsuits being known as Cause Numbers S-78-06; S-78-07; and S-78-08, Allen Superior Court, Allen County, Indiana, said lawsuits involving allegations of step increase pay due certain employees of the City of Fort Wayne for the years 1977 and 1978;

WHEREAS, the City of Fort Wayne deems it desirous and in its best interest to have authorized, by the Common Council of the City of Fort Wayne, the authorization for overtime payment to certain employees of the Humane Shelter;

the upgrading of existing labor grades relative to the Basic Life Support and Advanced Life Support positions and the establishment of a base pay for the Advanced Life Support position and for the payment to certain employees of the City of Fort Wayne for past step increases, in settlement of all disputes as evidenced by the lawsuits referred to herein.

WHEREAS, an emergency exists in the staffing of employees of the Humane Shelter and the Emergency Medical Service Department necessary for the proper operation thereof and to settle the claims of the employees now pending in Court as set forth herein; and the Mayor, pursuant to Indiana Code 18-2-1-9, has recommended the changes in positions set forth herein to meet said emergency; and it is the sense of this Body that such changes would improve the efficiency of government in the City.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne is hereby authorized to pay to employees of the Humane Shelter of the City of Fort Wayne, Indiana, for all such overtime they accumulated from January 1, 1980, through December 31, 1980; provided, however, that the total payment of overtime shall not exceed Fifteen Thousand and 00/100 Dollars ($15,000.00) and that same shall be paid as soon as is possible subsequent to the passage and approval of this Ordinance, and on a pro rata basis, to the employees who so accumulated overtime from January 1, 1980, through December 31, 1980.

SECTION 2. That the Basic Life Support position in the Emergency Medical Services Department is hereby upgraded from Labor Grade 7 to Labor Grade 9, with no change in pay.

SECTION 3. That the Advanced Life Support position in the Emergency Medical Services Department is hereby upgraded from Labor Grade 9 to Labor Grade 10, and that a base pay for such Advanced Life Support position is hereby established in the amount of Fifteen Thousand Eight Hundred Eleven and 00/100

Dollars ($15,811.00) per year; provided, however, that until individuals holding the Advanced Life Support position have completed the appropriate probationary or trial period, they shall have their base pay computed at the rate of Fourteen Thousand Eight Hundred Eleven and 00/100 Dollars ($14,811.00). Furthermore, no technical pay shall be paid to individuals in the Advanced Life Support position.

Section 4. The upgrading of the labor grades referred to in Sections 2 and 3 and the establishment of the base pay for the Advanced Life Support position shall become effective upon passage and approval of this Ordinance, as required by law.

SECTION 5. As a settlement of the pending lawsuits against the City of Fort Wayne, said lawsuits pending under Cause Numbers S-78-06; S-78-07; and S-78-08, Allen Superior Court, Allen County, Indiana, the City of Fort Wayne is hereby authorized to make the payments as provided for herein. The payment herein made shall apply to only those employees of the City of Fort Wayne who were, on December 3, 1980, in employee positions with the City of Fort Wayne covered in the Collective Bargaining Agreement by and between the City of Fort Wayne and the International Association of Machinists signed March 6, 1979, and which expired March 5, 1981, and who were entitled to pay step increases in 1977 and/or 1978. If an employee was not an employee of the City of Fort Wayne in a position covered by said Collective Bargaining Agreement on December 3, 1980, or if an employee was not entitled to a step increase in either 1977 or 1978, such employee shall not be entitled to any payment hereunder. However, the payments hereunder to be made do apply to individuals who are not presently employed by the City of Fort Wayne, but who were so employed as of December 3, 1980, in positions covered by the above-referred to Collective Bargaining Agreement and who were entitled to step increases in either 1977 or 1978.

All employees covered pursuant to the above shall receive the sum of One Hundred Fifteen and 00/100 Dollars ($115.00)

per "factor" as hereinafter defined. An employee who was otherwise qualified per the above shall be entitled to four factors if said individual was eligible for a step increase at any time from January 1, 1977, through June 30, 1977; three factors shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from July 1, 1977, through December 31, 1977; two factors shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from January 1, 1978, through June 30, 1978; and one factor shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from July 1, 1978, through December 31, 1978.

Thus, the maximum number of factors that can be accumulated is ten, or a payment of ten times One Hundred Fifteen and 00/100 Dollars ($115.00) per factor, or a maximum of One Thousand One Hundred Fifty and 00/100 Dollars ($1,150.00). Individuals who are otherwise covered per the above will be paid on the basis of the factors so accumulated. The payment of the monies referred to herein shall be made, as soon as is possible, in lump sum fashion, to the appropriate employees, in a "net" check subsequent to passage and approval of this Ordinance, as required by law.

SECTION 6. The payment of all monies as referred to in this Ordinance shall be subject to all appropriate budgetary provisions.

SECTION 7. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and after all necessary approval by the Mayor.

Vivian G. Schmidt
Councilman

Approved as to form and legality
this 9 day of April, 1981.

J. J. Hoffman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATE: 4-14-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT: |
|---|---|---|---|---|---|
| TOTAL VOTES | 7 | 1 | 1 | | |
| BURNS | X | | | | |
| EISBART | X | | | | |
| GiaQUINTA | X | | | | |
| NUCKOLS | X | | | | |
| SCHMIDT, D. | | X | | | |
| SCHMIDT, V. | X | | | | |
| SCHOMBURG | | | X | | |
| STIER | X | | | | |
| TALARICO | X | | | | |

DATE: 5-12-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) ~~(ANNEXATION)~~ (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. S-117-81

on the 12th day of May, 19 81.

ATTEST: (SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 19 81, at the hour of 11:30 o'clock A. M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 22nd day of May 19 81, at the hour of 3 o'clock P M.,E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

Read the first time in full and on motion by_____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee_____(and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on_____, the _____day of _____, 19_____, at _____o'clock___M.,E.S.T.

DATE:_____

_____
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by_____, seconded by_____, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT: |
|---|---|---|---|---|---|
| TOTAL VOTES | 7 | 6 | 1 | | |
| BURNS | | | X | | |
| EISBART | | X | | | |
| GiaQUINTA | | X | | | |
| NUCKOLS | | X | | | |
| SCHMIDT, D. | X | | | | |
| SCHMIDT, V. | | X | | | |
| SCHOMBURG | X | | | | |
| STIER | | X | | | |
| TALARICO | | X | | | |

DATE:_____

_____
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No._____ on the _____day of _____, 19_____.

ATTEST: (SEAL)

_____ _____
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the_____day of _____, 19_____, at the hour of _____o'clock _____M.,E.S.T.

_____
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____day of 19_____, at the hour of_____o'clock ____M.,E.S.T.

_____
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-81-04-07

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN ORDINANCE authorizing payment for overtime worked by employees of the Humane Shelter of the City of Fort Wayne; authorizing the upgrading of the existing labor grade of the Basic Life Support position in the Emergency Medical Services Department of the City of Fort Wayne; authorizing the upgrading of the existing labor grade of the Advance Life Support position in the Emergency Mdecial Services Department of the City of Fort Wayne and establishing a base pay for such position; and authorizing payments to certain employees of the City of Fort Wayne for past step increases

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE NO RECOMMEND PASS.

VIVIAN G. SCHMIDT, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

MARK E. GiaQUINTA

PAUL M. BURNS

ROY J. SCHOMBURG

5-12-81
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

AGREEMENT

AGREEMENT, made and entered into this 24th day of January, 1981, by and between the CITY OF FORT WAYNE, hereinafter referred to as "Employer", and the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, Lodge No. 2569 (formerly 2569, 2570, and 2571), hereinafter referred to as "Union",

W I T N E S S E T H :

WHEREAS, the Union is the collective bargaining representative for certain employees of the Employer;

WHEREAS, the parties are presently in the process of collective bargaining as to terms and conditions of employment;

WHEREAS, the parties have had a long-standing dispute as to the amount of wages to be paid by the Employer to certain employees of the Employer for the years 1977 and 1978;

WHEREAS, that these disputes have resulted in numerous grievances being filed against the Employer, and furthermore, these disputes have resulted in the filing of three (3) separate lawsuits in the Allen Superior Court, Allen County, Indiana, known as Cause Numbers S-78-06; S-78-07; and S-78-08;

WHEREAS, the continuing existence of these disputes causes severe instability in the labor relationship between the parties hereto; and

WHEREAS, the parties hereto desire to resolve said disputes, grievances, and lawsuits referred to above and to settle completely the differences between them as to the payment or non-payment of wages in the past.

NOW, THEREFORE, upon the following terms and conditions, it is agreed:

1. PRESENT COLLECTIVE BARGAINING MATTERS. The parties are presently engaged in the process of collective bargaining and in said process of collective bargaining, the parties have agreed to the following:

A. Employees in the Humane Shelter who have accumulated overtime will be paid overtime for all such overtime accumulated from January 1, 1980, through December 31, 1980. The total payment of overtime is $15,000.

B. Article VIII, Section 3, Page 13, of the present Collective Bargaining Agreement between the parties dated March 6, 1979, is amended to provide for a probationary period of six (6) months (calendar days) for all employees of the Emergency Medical Services Department instead of the present ninety (90) calendar days.

C. Article IX, Section 1-C, of the present Collective Bargaining Agreement between the parties dated March 6, 1979, is amended so that all employees of the Emergency Medical Services Department will receive a six (6) month (calendar days) trial period instead of the thirty (30) working days trial period.

D. The position of Basic Life Support Employee in the Emergency Medical Services Department is upgraded from Labor Grade 7 to Labor Grade 9, with no change in pay.

E. The position of Advanced Life Support Employee in the Emergency Medical Services Department is upgraded from Labor Grade 9 to Labor Grade 10. The starting salary for Advanced Life Support Employees shall be Fourteen Thousand Eight Hundred Eleven Dollars ($14,811.00), and upon completion of the probationary period or the trial period, whichever is applicable, the salary shall be Fifteen Thousand Eight Hundred Eleven Dollars ($15,811.00). There shall be no additional technical pay payment since same is included

in the figures herein referred to.

2. SETTLEMENT. The parties hereto agree to settle and dismiss all lawsuits among them pertaining to matters of pay, including, but not limited to, the lawsuits referred to under Cause Numbers S-78-06; S-78-07; and S-78-08. In settling and dismissing said disputes, the Employer has agreed to a payment, as hereinafter described, to those employees of the Employer who were, on December 3, 1980, in employee positions with the Employer covered by the present Collective Bargaining Agreement between the parties and who were entitled to pay step increases in 1977 and/or 1978. If an employee was not an employee of the Employer in a position covered by the present Collective Bargaining Agreement between the parties on December 3, 1980, or if an employee was not entitled to a step increase in either 1977 or 1978, such employee shall not be entitled to any payment hereunder. However, the payments hereunder to be made do apply to individuals who are not presently employed by the Employer but who were so employed as of December 3, 1980, in positions covered by the present Collective Bargaining Agreement between the parties and who were entitled to step increases in either 1977 or 1978.

All employees covered under the above shall receive from the Employer the sum of One Hundred Fifteen Dollars ($115.00) per "factor" as hereinafter defined. An employee who is otherwise qualified per the above shall be entitled to four (4) factors if said individual was eligible for a step increase at any time from January 1, 1977, through June 30, 1977; three (3) factors shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from July 1, 1977, through December 31, 1977; two (2) factors shall be awarded to any individual who is otherwise covered per the above

if such individual was entitled to a step increase at any time from January 1, 1978, through June 30, 1978; and one (1) factor shall be awarded to any individual who is otherwise covered per the above if such individual was entitled to a step increase at any time from July 1, 1978, through December 31, 1978.

Thus, the maximum number of factors that can be accumulated is ten (10) or a payment of ten (10) times One Hundred Fifteen Dollars ($115.00) per factor, which is One Thousand One Hundred Fifty Dollars ($1,150.00). Individuals who are otherwise covered per the above will be paid on the basis of the factors so accumulated.

The payment of the monies pursuant to this Paragraph 2 of this Agreement shall be made by the Employer to the appropriate employees in a lump sum fashion as soon as is possible after the satisfaction of all of the conditions as listed in Paragraph 3 of this Agreement.

3. CONDITIONS. This Agreement, and the covenants herein made, shall become effective and binding upon the parties hereto upon the happening of all of the following events, to-wit:

A. Obtaining, by the Employer, of all necessary approval and authority to carry out the terms and conditions of this Agreement, including the ability to pay all monies required to be paid hereunder.

B. The withdrawal, by the Union, from all pending grievances and litigations and lawsuits against the Employer, covering the matters described in Article 1, "Present Collective Bargaining Matters", and Article 2, "Settlement", of this Agreement. In that regard, the Union shall use its best efforts to obtain a dismissal of all pending lawsuits, filed in the past, against the Employer concerning wages due employees represented by the Union, or at one time

represented by the Union.

C. Execution of releases between the parties to this Agreement as to the present disputes, litigations, and lawsuits.

D. Execution of stipulations of dismissal, by all parties to the lawsuits known as Cause Numbers S-78-06; S-78-07; and S-78-08.

4. MISCELLANEOUS. The parties hereto, by the entering into of this Agreement, do not admit any liability to the other party. Specifically, the Employer denies any liability to the Union and/or its members as to the payment of any monies allegedly due individuals in the past. However, this Agreement has been entered into as a means of settlement, and the parties agree that said settlement of all such issues is in the best interest of all parties concerned, including the public at large.

5. BINDING EFFECT. This Agreement, once it is made effective by the satisfaction of the conditions as outlined in Paragraph 3, shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, this Agreement has been signed the day, month, and year first above written.

EMPLOYER:

CITY OF FORT WAYNE

BY: _____
Winfield C. Moses, Jr., Mayor

BY: _____
James M. Huntine, Director
Personnel and Labor Relations

BY: _____
Connie L. Reed, Asst. Director
Personnel and Labor Relations

BY: _____
Dean Chandler, Payroll Supervisor/
Personnel Consultant

UNION:

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS
(Lodge No. 2569)

BY: _____
Fred Roberts, Business
Representative

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

personnel

LETTER OF INTENT

August 7, 1980

WHEREAS: It has been presented across the bargaining table that the positions of Basic Life Support is felt to be grossly undervalued and improperly labor graded at the level 7, and;

WHEREAS: It has also been stated that a salary comparable to the starting rate of a patrolman's base rate of $15,518 is desired by the Union;

NOW THEREFORE: It is management's intent to address these issues by negotiating across the bargaining table an upward movement of the Basic Life Support's labor grade and stature. A tentative date for negotiations has been mutually set for October 6, 1980.

FURTHERMORE: At the time of negotiations an assessment of the overtime situation as it exists for 1980 shall be reviewed.

FOR THE CITY OF FORT WAYNE:

James M. Huntine, Sr., Director
of Personnel and Labor Relations

Connie L. Reed, Assistant Director
Personnel and Labor Relations

W. Dean Chandler, Payroll Supervisor
and Personnel Consultant

AN EQUAL OPPORTUNITY EMPLOYER

# RATIONALE
# FOR
# CITY – IAM
# OUT – OF – COURT
# SETTLEMENT

# PURPOSE:

TO DISPOSE OF POTENTIALLY COSTLY LAWSUITS

- at lowest cost to taxpayers
- acceptable to Union Members

ALSO:

TO NORMALIZE LABOR-MANAGEMENT RELATIONS...

# SIMPLIFIED SUMMARY OF SETTLEMENTS PROPOSED BY CITY & ACCEPTED BY IAM

# I.

# UNION AGREES TO DROP CAUSES

# S-78-06

# S-78-07

# S-78-08

2.

# MINOR NEGOTIATED MATTERS WITH HUMANE SHELTER & E.M.S. SETTLED

- OVERTIME $15,000
- TRIAL PERIOD
- UPGRADES IN E.M.S.

# 3.

# STEP INCREASE SETTLEMENT LIMITED TO THOSE "QUALIFIED"

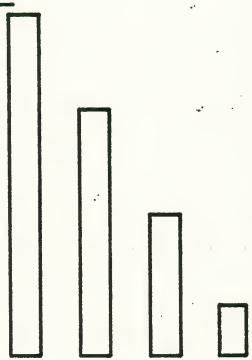
"QUALIFIED"

DEFINED AS EMPLOYED & SUBJECT TO CITY-IAM AGREEMENT IN 1977-1978 AND IN BARGAINING UNIT AS OF DECEMBER 3, 1980

PAYMENT WILL BE
$ 115$^{00}$ PER "FACTOR"
TO QUALIFIED
EMPLOYEES

# FACTOR COMPUTATION

| | TOTAL |
|---|---|
| 1977 (JAN-JUN) | 4 |
| (JUL-DEC) | 3 |
| 1978 (JAN-JUN) | 2 |
| (JUL-DEC) | 1 |
| MAXIMUM | 10 |



EXAMPLES:

HIRED AUG. 1977 = 3+2+1 = 6 FACTORS

HIRED AUG. 1978 = 1 = 1 FACTOR

HIRED FEB. 1977 = 4+3+2+1 = 10 FACTORS

EMPLOYED BEFORE JAN. 1977 = MAX.

EMPLOYED & TERMINATED DURING PERIOD = 0

MAXIMUM
SETTLEMENT
IS
$1,150 PER
QUALIFIED EMPLOYEE

# BOTTOM LINE:

TOTAL POTENTIAL LIABILITY (including interest)

$ 1,282,879

TOTAL SETTLEMENT LIABILITY

$ 80,155

SAVINGS FROM MAXIMUM LIABILITY

$ 1,202,724

For Salary Ordnance General Fund Departments Only

THIS DOES NOT INCLUDE ADMINISTRATIVE & LEGAL TIME IN FIGHTING CASE